



533786

**UNITED STATES DISTRICT COURT
SOUTHERN****INDEX NO: 5984/07****FILE DATE:****ATTY: LAW OFFICE OF DAVID A. ZELMAN
612 EASTERN PKWY
BROOKLYN, NY 11225****STATE OF NEW YORK: COUNTY OF SOUTHERN****EPS No: 520978****Attorney File No:****Batch No: 104176****YEVGENIY DIKLER****Plaintiff(s)****- against -****THE CITY OF NEW YORK, DETECTIVE MICHAEL VICONTI, ET AL****Defendant(s)****STATE OF NEW YORK, COUNTY OF QUEENS: SS:**

CHARLES F. MON BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 7/9/2007 at 2:37PM at 250 WEST 50TH STREET, NEW YORK, NY 10019, SUITE 31B deponent served the within SUMMONS & COMPLAINT IN A CIVIL ACTION on SECURITY OFFICER WILSON VEGA. At time of service the index number and date of filing were on the SUMMONS & COMPLAINT IN A CIVIL ACTION.

AFFIXING TO DOOR, ETC

By affixing 1 Copy thereof to the door of said premises, the same being the defendant's Dwelling Place within the State of New York.

MAILING First Class MailDeponent completed service under the last two sections by depositing 1 Copy of the SUMMONS & COMPLAINT IN A CIVIL ACTION to SECURITY OFFICER WILSON VEGA at 250 WEST 50TH STREET, NEW YORK, NY 10019, SUITE 31B in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Post Office in the State of New York on 7/10/2007 via First Class Mail. The mailing was made to the address bearing 'PERSONAL & CONFIDENTIAL' and not indicating 'LEGAL ACTION'. NP**PREVIOUS ATTEMPTS**

Deponent had previously attempted to serve the above named defendant/respondent 7/5/2007 AT 7:31PM 7/7/2007 AT 3:34PM 7/9/2007 AT 2:37PM.

**Military
Service**

Upon information and belief I aver that the defendant is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on

LUIS A. CRESPO
Commissioner of Deeds
City of New York No. 4-4920
Certificate Filed in Queens County
Commission Expires Aug. 1, 2007

KEVIN T. MACTIERNAN
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MA6108632
Qualified in Nassau County
Commission Expires 4/19/2008

ARTAK RAEVSKY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RA6123189
Qualified in Queens County
Commission Expires 2/28/2009

LORRE A. DUNNE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01DU8016358
Qualified in Queens County
Commission Expires 11/16/2010

ELITE PROCESS SERVERS * 88-08 Little Neck Parkway, Floral Park, NY 11001